

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-179-FL-1

No. 5:16-CV-613-FL

GUILLERMO BERRELLEZA CASTORENA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court sua sponte. By way of background, this court notes that petitioner has two criminal cases in the Eastern District of North Carolina: Case Numbers 5:11CR369-FL-1 and 5:12CR179-FL-1. On July 10, 2012, in Case Number 5:11CR369-FL-1, petitioner was sentenced to 63 months' imprisonment after pleading guilty to illegal reentry of a felon. As for Case Number 5:12CR179-FL-1, petitioner's term of supervised release from Texas Case Number 2:09CR919-1 was revoked on July 10, 2012, and he was sentenced to a term of eight months' imprisonment, which was ordered to run consecutive to the judgment imposed in Case Number 5:11CR369-FL-1.

On June 27, 2016, petitioner filed a motion to vacate, set aside, or correct sentence, made pursuant to 28 U.S.C. § 2255 (DE 20), asserting a claim based on Johnson v. United States, 135 S. Ct. 2551 (2015). On June 30, 2016, during preliminary review of petitioner's motion, this court determined that petitioner was attempting to challenge his conviction in the Southern District of Texas and transferred the § 2255 matter to that district for all further proceedings. Petitioner then filed a motion requesting reconsideration of this court's June 30, 2016 order.

This court granted petitioner's motion for reconsideration, vacated its June 30, 2016 transfer order, and directed the clerk to reopen petitioner's § 2255 motion in this matter. Petitioner was directed to re-file his § 2255 motion on the correct form and specify the criminal judgment and sentence, by date and case number, that he was attempting to challenge. On September 19, 2016, petitioner filed his corrected § 2255 motion.

In his corrected motion, petitioner uses the case number for this case, 5:16CV613-FL, but the document itself reflects that he is challenging the 63-month sentence he received in this court on July 10, 2012 for an illegal reentry of a felon conviction. See Corrected Mot. Vacate (DE 26) at 1, 4. Therefore, the clerk is DIRECTED to transfer this § 2255 matter to the docket of Case Number 5:11CR369-FL-1.

SO ORDERED, this the 25th day of May, 2017.


LOUISE W. FLANAGAN
United States District Judge